GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Industries & Commerce Department - Mines & Geology - Vigilance Report - Allegations of irregularities against the Contractor of Bhupatipalam Reservoir Project on sale of surplus 40 mm Metal to other Contractors East Godavari District - Sri Mohd. Moinuddin, the then Dy. Director of Mines & Geology Kakinada, now retired - Departmental Proceedings under Rule -20 of Andhra Pradesh Civil Services (Classification, Control and Appeal)Rules, 1991 - Articles of charges – Issued.

INDUSTRIES AND COMMERCE (VIG) DEPARTMENT

G.O.RT.No. 6 Dated: 04-01-2021.

Read the following:

1. From the GA(V&E) Dept Vigilance Report No. 18, Dt:29.09.2014.
2. Govt. Memo No. 11128/Vig.A1/2014; Dt: 21.06.2019.
3. From DMG, Letter No. 13597/E1/Vg/2014; Dt: 17.10.2019
4. G.O Rt No.1, Ind & Com (Vig) Dept., dated.04.01.2021

ORDER:

It is proposed to hold an inquiry against Sri Mohd. Moinuddin, the then Dy. Director of Mines & Geology Kakinada, now retired from the Govt, service on 31.03.2010, in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules,1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges and statement imputations (Annexures-I&II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexures III & IV).

3. Sri Mohd. Moinuddin, the then Dy. Director of Mines & Geology Kakinada, now retired, is directed to submit his written statement of defence within 10 days from the date of receipt of this order and also to state whether he desires to be heard in person.

4. Sri Mohd. Moinuddin, the then Dy.Director of Mines & Geology Kakinada,now retired, is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Mohd. Moinuddin, the then Dy Director of Mines & Geology Kakinada, now retired is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above further action will be taken based on the material available.

6. Attention of Sri Mohd. Moinuddin, the then Dy. Director of Mines & Geology Kakinada, now retired, is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, and AP Revised Pension Rules 1980 under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings it will be presumed that Sri Mohd. Moinuddin, Dy. Director (Retd), the then Asst. Director of Mines & Geology ADM&G East Godavari Dist., is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(P.T.O)

7. The receipt of the G.O may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Mohd. Moinuddin, the then Dy. Director of Mines & Geology Kakinada, now retired.(Through Director of Mines & Geology)
The Director of Mines and Geology Ibrahimpatnam Vijayawada (with request to serve & return served copy to Government).
Sf/Sc.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE –I

Article of Charges against Sri Mohd.Moinuddin, the then DDM&G, Kakinada and at present retired.

Charge No.1

Failed to Prevent the unauthorized quarrying and crushing operations in between 1st and 2nd lease period (i.e., from 20.07.2009 to 30.12.2009) for a period of 6 months.

The V&E Department mentioned that unauthorised quarrying and crushing operations were done by the MAYTAS infra Pvt Ltd during non sanction period from 20.07.2009 to 30.12.2009 without taking any permission from ADM&G, Rajahmundry or DDM&G, Kakinada.

During the inspection of Mines & Geology officials on 29.08.2009 they have not identified that the quarrying and crushing operations were going on beyond the lapse of quarry lease period of 2 years (i.e., from 20.07.2007 to 19.07.2009) and recommended the grant proposals for further extension period of 6 months by the ADM&G, Rajahmundry, thus he failed to take any action neither in preventing illegal mining activity in the alleged area nor brought to the notice of the Higher official through his reports thus he violated Rule-3 of APSC (Conduct) Rules 1964.

Charge No.2

Failed to appraise the rule positions stipulated in the Agency Tracts Interest and Land Transfer Act, 1917 (Act No.1 of 1971), before obtaining the NOC from the Project Director, ITDA, Rampachodavaram.

The DDM&G, Kakinada has returned the proposals to the ADM&G Rajahmundry and requested to resubmit the proposals after obtaining the NOC form Project Officer, ITDA, Rampachodavaram. After completion of all formal procedures the ADM&G, Rajahmundry recommended quarry lease to the Dy. Director of Mines & Geology, Kakinada. Subsequently the DDM&G, Kakinada granted quarry lease over an extent of 2 Acres in Sy.No.75 Gandhinagaram Village, Rampachodavaram Mandal, East Godavari District subject to the condition that the quarry should use for the purpose of construction of the Bhupathipalem Reservoir Project.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE-II

Statement of imputations on Misconduct / Misbehaviour in support to the charges framed against Sri Mohd. Moinuddin, the then DDM&G. Kakinada and now retired on 31.03.2010 from the DDM&G, Nizambad, Telangana (Tenure 01.06.2007 to 23.07.2009).

The V&E Department Officials reported that the DDM&G, Kakinada has returned the proposals to the ADM&G, Rajahmundry and requested to resubmit the proposals after obtaining the NOC from Project Officer, ITDA, Rampachodavaram. After completion of all formal procedures the ADM&G, Rajahmundry recommended quarry lease to the Dy. Director of Mines & Geology, Kakinada. Subsequently the DDM&G, Kakinada granted quarry lease over an extent of 2 Acres in Sy.No.75 Gandhinagaram Village, Rampachodavaram Mandal, East Godavari District subject to the condition that the quarry should use for the purpose of construction of the Bhupathipalem Reservoir Project. But leasing out the quarry land to the EE is not only against the conditions stipulated in the Agency Tracts interest and Land Transfer Act,1971 (Act No.1 of 1971) but also against the CCA Rules in vogue. As per the above Act, 'Immovable Property' includes land and house property - Lease of Building in a scheduled area to a non-tribal is void.

Further the V&E Department also mentioned that unauthorised quarrying and crushing operations were done by the MAYTAS infra Pvt. Ltd during non sanction period from 20.07.2009 to 30.12.2009 without taking any permission from ADM&G, Rajahmundry or DDM&G, Kakinada.

During the inspection of Mines & Geology Officials on 29.08.2009 they have not identified that the quarrying and crushing operations were going on beyond the lapse of quarry lease period of 2 years (i.e from 20.07.2007 to 19.07.2009) and recommended for granting further extension of time for a period of 6 months by the ADM&G, Rajahmundry thus he failed to take any action neither in preventing illegal mining activity in the alleged area nor brought to the notice of the Higher officials through his reports thus he violated Rule-3 of APCS Conduct Rules 1964.

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ANNEXURE-III

DOCUMNETARY EVIDENCE:-

1.	RDO, Ramapachodavaram Lr. No. (C) 291/2007, Dt: 31.05.2007.
2.	ADM&G, Rajahmundry Lr.No. 339/Q1/2007, Dt: 15.06.2007 (Annexure - 6 of VR Report)
3.	PD, ITDA Lr. No. Rc. No.T8/R&R/64-2/2007, Dt: 02.07.2007. (Annexure - 5 of VR Report)
4.	DDM&G, Kakinada Procs. No. 1810/Q1/2007, Dt: 03.07.2007 (Annexure – 6a of VR Report)
5.	ADM&G, Rajahmundry Procs .No. 339/Q1/2007, Dt: 20.07.2007 (Annexure – 6b of VR Report)

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ANNEXURE-IV

List of Witnesses:

1.	Sri B. Ramachandra Rao, the then Assistant Director of Mines & Geology, Rajahmundry (Retired).
2.	Sri D.V.Ranga Kumar, Assistant Director of Mines & Geology, Rajahmundry & Deputy Director of Mines & Geology (FAC), Kakinada.
3.	Sri G. Srinivas, Assistant Geologist, O/o ADM&G, Rajahmundry.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT